



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(508) 369-9702

MINUTES March 10, 1997

CONTINUED PUBLIC HEARING: Amendment to a Common Driveway Special Permit. Lots 1-3, Cross Street, Chris and John Fielding, applicants
CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Pine Meadow, William Costello Realty Trust, applicant
CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Hunters Run, Brian E. Hebb Builders, Inc., applicant
EOEA Request for Responses: Municipal Growth Planning Grants
Review of engineer's proposals to correct drainage deficiencies at Ice Pond Subdivision, and status of subdivision approval
Review of proposed bylaw amendments for wireless communications services
Warrant articles submitted by voter petition referred to the Planning Board
Proposed closing of Carlisle Baybank office

Vice Chair Hengeveld called the meeting to order at 7:30 p.m.. Epstein, Hengeveld, LaLiberte, Tice and Yanofsky were present. Colman joined the meeting in progress. Duscha was absent. Also present was Seba Gaines for the Mosquito and Planning Administrator George Mansfield.

CONTINUED PUBLIC HEARING: Amendment to a Common Driveway Special Permit. Lots 1-3, Cross Street, Chris and John Fielding, applicants

Joe March of Stamski and McNary was present to represent the applicants. He explained the he had discussed the proposed paving of the driveway with the Conservation Commission and they had issued an order of conditions approving that paving. Epstein reminded the board that Duscha had asked about the need for guardrails on this driveway. Mansfield explained that that discussion appears in the minutes of the meeting of February

24th (not yet reviewed by the board). Hengeveld closed the hearing and LaLiberte moved to approve the requested amendment to the common driveway special permit, including the requested waiver of fees, finding the proposed paving of the driveway was not injurious to the public health or character of the area and will provide a safe and convenient access to the site. Tice seconded the motion and it was approved by a vote of 5-0.

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Pine Meadow, William Costello Realty Trust, applicant

Colman joined the meeting and opened the hearing at 7:45 p.m. Present for this hearing were William Costello, attorney Richard Gallogly and engineer Joe March for the applicant, as well as Kathleen Coyle and Louisa and Jay Heard of Maple St., Edward and Mary Storrs of Brook St., Kathy Rubinstein of Nickles Lane and Brian Anderson of East Riding Drive.

Gallogly did not make an additional presentation, but said that his client would be willing to abide by the same conditions imposed by the board when it last approved this plan in return for a waiver of the requirement that the plan be recorded within 60 day of its approval. Mansfield explained that LandTech had received the revised plans just last week and that he had received the plans showing the new sump location only on Thursday. Hengeveld noted that an approval had been received from the Board of Health. Gallogly asked the Board to put any additional requests they might have on the table at this meeting. Epstein explained that a number of people are upset about the loss of a vista across the field and reminded Costello that he had expressed some willingness to reconfigure this site along the lines of the Open Space Neighborhood bylaws that are currently under consideration. He asked whether that would be possible. In addition, Colman questioned whether some of the septic fields could be placed in the meadow and save some of the existing trees. Costello noted that lots number 1, 14, 15 and 10 are those in question. Lot 1 is the most obvious intrusion into the field. He said that the Board may want to consider variable dimension side yards. Colman and Tice then raised questions about rotating the orientation of the houses on the lots, but Gallogly pointed out that this is not part of a subdivision approval. Costello added that all of the lots that he develops are contract sales and the buyer wants some input into the design and location of the house. Gallogly argued that to create limitations on a lot would tie his client's hands. March suggested that they could look at individual lot designs and septic systems and see what could be done, especially on lots 10, 15 and 1. On number 15, he said, for example, there would be no need to take trees down. Kathy Rubinstein of Nickles Lane suggested that in terms of the Open Space bylaw being discussed, the Board should provide a waiver so that there are not two entrances necessary to a subdivision such as this. Gallogly responded, however, that lots are lost when the road is shortened. Colman said that if a cul-de-sac were provided, however, the board would be happy with it and the neighbors would be happy.

Kathleen Coyle of Maple Street expressed the neighbors concern about losing the water recharge potential of the land. Gallogly responded that if they were to make a change that implicates any resource area, they would have to seek approval from the Cons. Com. March went on to explain that as you go back in the field the topography gets lower and when that happens you get closer to the water table so the septic systems would require mounding. In the back of the parcel the finished grade would be about 7 1/2 feet above the existing grade. Louisa Heard of Maple Street said she is still concerned with the traffic impacts on that street. She said that people travel too fast there now and asked whether speed bumps had ever been considered. Colman replied that she should speak to the Selectmen regarding traffic issues. Tice suggested a removable speed bump. Epstein asked March if he could move the houses back and preserve as much as possible of the existing landscape. Yanofsky asked if the board was still interested in holding out a lot for three years.

Epstein asked for an explanation of the problem with the existing 60 day recording requirement in the Rules and Regulations. Gallogly responded that in any subdivision, easements and covenants are documents that get negotiated. There is not time in 60 days in the normal subdivision process to complete this negotiation. There is also the problem of approvals to be granted by other boards and legal appeal periods. He said he would not want to give easements and options to the Town until he had all the other approvals. Epstein responded that all these things would be agreed to in an endorsed plan, and if there were subsequent changes the applicant would have to come back anyway. Gallogly replied that if you don't get all the approvals, there will be no subdivision. He said he has never seen such a provision in other towns. Instead of this rule, he suggested, the board could make a policy to review unrecorded subdivisions at certain intervals. He reminded the board that they always have the ability to rescind or modify a plan unless the property is mortgaged. Costello added that another protection is the two year expiration date for completion of the subdivision. He reminded the board of the time spent reviewing the Tall Pines documents. Mansfield asked whether the rule might be more workable if recording were required 60 days from endorsement of the plan rather than approval. Gallogly replied that Chapt. 41, Sec. 81x requires recording within six months of endorsement.

There was no further discussion and pending LandTech's review of the revised plans, the hearing was continued until March 24th at 7:30 p.m.

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Hunters Run, Brian E. Hebb Builders, Inc., applicant

Colman opened the hearing at 8:30 p.m. Present representing the applicant were Lynne Remington and John Boardman of Ross and Associates, Inc. Also present were Kathy Rubinstein, Tom McAndrew and Karla Johnson of Nickles Lane, Ferris Taylor and Gerald

Smith of Hemlock Hill Road and Phyllis Hughes of Acton Street. Board member LaLiberte is recused from this hearing.

Colman reminded the public not to expect a proposal for extending a dead end road in this case since the fire chief and police chief had both made a statement that they're against such an extension as a public safety issue. Remington explained that she had submitted plans to LandTech and has plans available for review by a landscape architect. She said that she would like to understand the Board's position on extending dead end roads.

Colman replied that the Board is trying to look at all the alternatives and wants this option explored because it would make the neighbors happier. There is not a bylaw limiting the length of a cul-de-sac and the limitation of 15 homes on a dead end road is tied to the Board of Selectmen's acceptance of that road and its width. Remington reported that she had talked with Mr. Kydd, the owner of the land. He said that in 1981 he had filed a preliminary subdivision plan for a cul-de-sac off of Oak Knoll Road. The Town had denied that plan because it was not connected to Nickles Lane. Subsequent informal discussions with the Town regarding extension of Nickles Lane led to the same conclusion, she said. Ferris Taylor said that he could understand the denial of the extension of Oak Knoll Rd., but the residents worked hard to get the extension of Nickles Ln. He reminded the board that the abutters are not against the development of the property, but they are against the connection of the two roadways. Colman added that with volunteer town boards, over time you have different members with different feelings.

Remington suggested the concept of the 10% grade, but waiving the construction requirement through the wetlands. A "Y" or a "T" turn rather than a cul-de-sac could be provided, she suggested, but Boardman added that the fire chief's concerns would still prevail. Colman said that this would be asking the board to create a paper road, a first for this board, though Remington went on to explain the advantage of her suggestion would be to eliminate the wetlands crossing and maintain access and frontage to 6 lots. She would not include cul-de-sac turn arounds in these plans because they would require more fill in order to be level and meet the rules and regulations. Colman replied that the Board had made a promise to the fire chief that they wouldn't create extended dead end roads. Taylor suggested leaving the Oak Knoll cul-de-sac as it is and accessing the lots via common driveways. He said that if the fire chief's concern is for a new cistern, that could be created without the connection. Jerry Smith of Hemlock Hill Road noted that at some point Mr. Kydd wants to develop his land further. If a connection is made, the board is really opening up two subdivisions. He asked whether an environmental impact study had been done for this proposal. Colman replied that that is a Cons. Com. issue.

Phyllis Hughes of Acton St. tried to provide some historical perspective from the Master Plan Committee. As a former member of the Planning Board, she was also a member of a Cul-de-sac Study Committee. She said the goal of the regulation limiting the length of cul-de-sacs was to create a sense of community. Isolated cul-de-sacs, she said, do not create communities. She said that the 1,000 foot length and the 15 house limit were

purposely chosen. Many surrounding towns have a limit of 500 feet. She said there have been problems with emergency access in places where there is only one means of egress. She added that at the Community Planning Days a few years ago the community voted on this subject three times. Ferris Taylor responded that in the case of Oak Knoll Road you have an existing strong neighborhood and the connecting roadway is not inviting. "We are not comparable to neighboring towns," he said, "This development is way over-engineered and does not feel like Carlisle." Colman suggested that he would expect that when Munroe Hill and Elizabeth Ridge were developed, neighbors on existing roads had the same feelings. As Hughes said, we have always made connection of roadways our policy. Taylor responded again that in neighborhoods like South Boston town officials pay attention to the neighbors as opposed to the rules.

Epstein observed that Kydd is not in favor of the cul-de-sac and so will not be proposing one. Colman added that even if the Board granted a waiver of construction standards our public safety chiefs are against extending these roadways without a loop road and that will be a problem. Smith observed that it appears the Town wants to develop every piece of property. Are there other ways of connecting roadways, he asked, such as bicycle paths? Taylor explained that there are two types of safety being considered here, security versus access for emergency vehicles, and they don't necessarily go hand in hand. Hughes said she thought the case was similar to that of Heald Road and Judy Farm Road where there is an 11% grade. She said that these neighborhoods, even if connected, will not have to worry about excess through traffic. Smith responded, however, that with new large homes you create a target for break-ins.

Yanofsky suggested to the engineers that they should urge Kydd that he might revisit the cul-de-sac issue with this current planning board. At least one member is favorably disposed, she said. She continued, that we are charged with implementing the rules, but also implementing the master plan and the latter does not call for maximum development. Hughes said that the town concluded that it didn't want this land a few years ago, but she said, it is probably cheaper for the town to buy it than to support its development.

Lynne Remington then addressed the guardrail issue raised by Tice at an earlier meeting. She said that there is a need for safety and therefore would recommend the steel uprights and crossbars with pressure treated timbers attached. Tice responded that this sounded acceptable to him.

Epstein made reference to the Trails Committee request that connections be established over this property. Remington replied that this was premature, though Colman said we should resolve these issues all at once. Tom McAndrew asked for an explanation of this issue. Epstein explained that they are interested in linking foot trails with Town land to the north and with Rangeway Road. McAndrew predicted that an additional cul-de-sac would be developed off this subdivision road to open up the backland in the future. Yanofsky asked if the board could consider these potential lots in terms of traffic analysis. Mansfield replied that they could. Boardman, however, said that no more than four

additional lots could be created, and this is minuscule. Taylor thought that ultimately the connection would be made out to Rutland Street. Colman referred to Sec 4.A.2.c of the Rules and Regs., which states that provisions should be made for the projection of streets and access to adjoining property not yet subdivided. He raised this question in relationship to land owned by Brown, but Boardman replied that none of the lots in the subdivision abut Brown's land. Yanofsky asked if the remaining land of Kydd can be held aside as one lot for three years as open space. This question wasn't answered.

Boardman asked if the Board needed a more formalized plan for the East St. intersection. Hengeveld replied that they did, but that they would like the landscape architect to look at it. Mansfield referred the board and the engineers to the intersection of Lindsey Pond Rd. and Lowell Rd. in Concord as an example of good design incorporating an island. McAndrew asked if it was possible to just widen the intersection and not build the island, citing a problem with snow plows. The board then continued the hearing until March 24, 1997 at 8:00 p.m.

EOEA Request for Responses: Municipal Growth Planning Grants

Mansfield had alerted the Board that EOEA had put out a RFR. Mansfield had alerted the Board to the availability of these planning grants with proposals being due March 21, 1997. He described the structure of the proposal. Hengeveld suggested that a topic might be creating planning priorities for open space or identifying and prioritizing open space parcels. LaLiberte asked if the Board of Health was participating in this proposal. He would support it, but he wants to get other boards and their support staff involved. Yanofsky said that it had been mentioned to the Selectmen. Colman went on to say that he spoke with Vivian Chaput and the Selectmen were supportive of submitting a proposal. Yanofsky said she is happy to work on preparing a proposal, but wants someone else equally committed. Tice said that if the Selectmen were committed to this effort, he also would help.

Review of engineer's proposals to correct drainage deficiencies at Ice Pond Subdivision, and status of subdivision approval

John Boardman of Ross Associates explained that there is an area of ponding on Lots C and B and showed the Board a sketch of the problem. There is a stone headwall with a six inch pipe tying into the underdrain at this location that is not functioning. Boardman proposed utilizing the existing headwall and installing an 8" corrugated plastic pipe, connecting it to a manhole and then to an outfall. Mrs. Halverson, the owner of Lot B, told him that she is pleased to have it fixed and would allow it to take place. Colman noted that although he is proposing an 8" pipe, LandTech said that it should be at least 12" in diameter. Boardman replied that with electric, phone, cable and gas lines in place, an 8" line is easier to install across these utilities. He said he hasn't done drainage

calculations for this proposal. He agreed to provide these calculations and a solution for review by LandTech. Colman said that his preference was a 12" pipe and asked Boardman to get back to the Board at the next meeting. Hengeveld asked if they had approached the owner of Lot C. Boardman replied that they had not and that they should be able to do this work without getting onto Lot C. Colman replied that he was satisfied with that. Epstein asked Boardman to tell LandTech to give this work top priority and come back to the Board on March 24th.

Review of proposed bylaw amendments for wireless communications services

Yanofsky made reference to a new draft of this proposed bylaw. She said that the subcommittee had talked of an overlay district initially, but after discussing this with Bob Koning's counsel they decided to go with the existing districts. LaLiberte asked if this had been reviewed by Town Counsel and whether other wireless communication companies had looked at the draft. Mansfield asked if the item was on the warrant. Yanofsky replied that there is space reserved for it. Epstein noted that since the ZBA is designated as the enforcing agent they should be co-sponsoring this article. Yanofsky replied, however, that the chair of the ZBA feels they should be outside the process. Colman asked why the Planning Board would not issue these special permits. Yanofsky replied that the Planning Board generally does not deal with structures, but rather land development. She added that since the ZBA does not have rules and regulations, findings have to be structured within the bylaw.

Epstein suggested that the applicant should be required to maintain the facility and indemnify the town because it is going to be on town land. He also raised insurance questions. Further he asked if Yanofsky would be presenting this article at Town Meeting. She replied that she would. Colman responded that indemnification and insurance questions would be taken care of in the lease. Tice asked whether accessory structures are also controlled through this bylaw. Yanofsky replied that they are and that she included specific wording to allow that intent. Tice asked whether the six cellular services operating in eastern Massachusetts should be polled to determine what height should be allowed. Colman suggested that we should keep away from setting an absolute height. Rather he said, we should state a minimum height that is technically feasible. He also said that he would prefer to see the Planning Board administer this bylaw rather than the Board of Appeals, because he thinks the Planning Board is good at getting the best facility for the town. Yanofsky replied that she would keep this issue open. Tice and Colman both asked Yanofsky to inform them of the next subcommittee meeting. The Board then determined that a Public Hearing should be scheduled on this bylaw amendment for March 31st.

Warrant articles submitted by voter petition referred to the Planning Board

The first of these articles would establish a general bylaw to require that persons who wish to develop land in Carlisle be licensed by the Planning Board. Kathy Rubinstein, one of the petitioners, said that she talked to some people in the State to find out if there is anything of this nature already in place, but she couldn't find anything. Colman said that he had spoken with Town Counsel on this issue. The State gives towns power to grant licenses for contractors who need a license, but developers don't need a license, he said. He also pointed out that Selectmen are usually the licensing authority. Epstein asked whether the Selectmen have asked Town Counsel about the legality of this proposed bylaw. Rubinstein replied that the Town Administrator said she would do that. Colman observed that Selectman Fitzgerald and Building Inspector Koning had both suggested that this item go to the Planning Board. Epstein said that he is in favor of this proposal, but has been told that it is not legal. Colman told Rubinstein that you have to make sure that the question "How do you make this work?" is that asked of town counsel. He concluded that there is no action necessary by the Board on this particular issue.

The second petition would establish a zoning bylaw amendment to allow dead end streets up to 1,800 feet in length. Ferris Taylor, the lead petitioner, explained that he was just trying to get the Board additional flexibility. Colman replied that the Board already had that flexibility, but Taylor stressed that he would like to see more flexibility on the part of the Board. Yanofsky said that the Board's preferred approach is to require a shorter dead end street and force the developer to come in and talk with us about something longer. She also said that the selectmen should be encouraged to develop a policy about road patterns. Colman agreed that there needs to be a clear policy, but observed that what is driving all this controversy is the powers granted in the subdivision control law. Mansfield explained that this petition, because it proposes amending the zoning bylaws, sets up the requirements for the Planning Board to hold a public hearing. Taylor and Rubinstein both asked the Board to hold the decision on a public hearing in abeyance until their next meeting of March 24th.

Review of draft bylaw amendments and rules and regs. to establish Open Space Residential Development provisions

Board members engaged in a brief discussion of the desirability of a flexible zoning bylaw. They concluded that this suggestion should be set aside until after action at Town Meeting on the proposed Open Space Bylaw amendments. They set a public hearing for those amendments on March 31, 1997.

Proposed closing of Carlisle Baybank office: planning implications

Mansfield had reported to the Board, the Town Treasurer's strong opposition to Bank Boston's proposal to close Carlisle's only branch bank. Besides the loss of a community facility, LaLiberte noted, this will create a vacant structure that is zoned commercial. He observed that several towns are confronted with proposals for adult stores. Yanofsky asked whether the Community Reinvestment Act had a place in this move. Epstein said that he thought that was not applicable. Yanofsky suggested that the State representative and senator should be making calls to Bank Boston. Epstein and LaLiberte, however, said that they don't understand why this would be a Planning Board issue. Yanofsky replied that she thought it was an economic development issue within the jurisdiction of the Planning Board. She suggested the Board write a letter, but no action was taken.

Carlisle 2000 Task Force Recommendations

Carlisle 2000 will be presenting two warrants at Town Meeting. One asking the town to increase the membership of the board of selectmen from three to five. The other to petition the Legislature for a special act to change the positions of Tax Collector, Treasurer, Assessor, Board of Health member and Planning Board member from elected positions to appointed positions. Mansfield noted there will be a meeting on March 20th to discuss these proposals. Several board members agreed to attend. Epstein asked whether the Board was still in agreement regarding their previous position on appointed boards. All agreed that all boards ought to be elected. Yanofsky noted that to do otherwise would take away control of government by the voters.

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,



George Mansfield
Planning Administrator